

Ad Hoc Sign Committee Minutes
Nov 29, 2012
2nd Floor Conference room, Town Hall

Attending: Jeff Cohen, Karen Kenney, Lisa Mustapich, Mark Siegenthaler, Ralph Zazula;

Chris Laskey – staff, Rick Reed – Town Manager, Robert Mangiaratti – Town Counsel

Absent: Kevin Latady

7:30: Jeff called meeting to order and made the emergency evacuation notice.

Robert Mangiaratti, Town Counsel (TC) sent the committee guidance in a letter, dated 10-18-12, and authored by Brandon H. Moss.

The first item discussed was paragraph A/B from the letter, moving the Sign Bylaw (SB) from General Bylaw (GB) to Zoning Bylaw (ZB). In past, Pam Brown, representing Chamber of Commerce, asked that it remain in the GB. By moving the SB to ZB, the body of existing zoning case law will apply to the sign bylaw, whereas, remaining in GB, there is not the case law – if challenged. Most Massachusetts SBs reside in ZB, not GB. Signs really are part of zoning. We should be carving out statutory exceptions for Religious, Daycare, Educational and Agriculture use. Moving it to the ZB creates that carve out. A SB cannot unreasonably impair the message on signs for these uses; however, it may impose reasonable dimensional requirements.

The ZBA grandfathered pre-existing signs, there is nothing in GB to allow that – grandfathering needs to be called out in SB; however, ZB allows grandfathering. We do have a paragraph in current SB that allows grandfathering.

Moving it to ZB will allow future updates to be passed at TM by 2/3 majority, and less restrictive amendments can be made on the floor.

Jeff noted that stated opposition to moving to ZB is that it will give the ZBA too much latitude. TC said ZB would apply to the ZBA, and therefore limit discretion for the ZBA. In ZB, to vary from dimensional requirements would require a variance, which is harder to obtain, so it's actually more restrictive, takes away latitude from ZBA.

The group discussed the timing of moving the SB to the ZB at Mar 2013 Town Meeting. Will the AG need to approve it before we treat it as a ZB on town floor? Yes. Will we need public hearings in advance of TM? Yes. If we move to ZB in March, we should move it entirely, and not piecemeal. To do it piecemeal, should keep in GB. The reason to do piecemeal, we could move separate warrant articles to 1) cleanup numbering and typos, 2) update less controversial ideas, 3) add new, and possible

difficult updates to the SB. Piecing together will allow 2 & 3 to be complete, even if 3 does not pass. At TM, Planning & Selectmen will be asked to make a recommendation. In ZB, Planning holds the prior public hearings, in GB, it's the selectmen who hold the hearings.

Next, the group discussed paragraph C. Code Enforcement Dept. (Laskey) issues building permits. We need to make a minor wordsmith to say "Code Enforcement shall issue a permit if a sign application conforms to the building code and sign bylaw". He can't deny a permit for no reason.

Paragraph D. The SB should talk about dimensional requirements, not verbiage on signs. The example is gas stations, we call out gas pricing signs, that must be in addition to the other signage he is permitted under the SB. This is a minor wording correction. Separate pricing is required by the state. Similar comment for hotel/motel "no vacancy" signs.

Paragraph E. On page 16 & 33 of the draft SB, we still have the word "political" in definitions. Include in Political, election and political messages. There is a special carve-out for personal, religious, and political messages that are sacrosanct 1st Amendment rights. These signs cannot create a public nuisance via lighting, or impairing lines of sight. These signs must be structurally sound. We can't restrict the duration of the sign's display. "Notwithstanding the forgoing, these bylaws do not apply to Personal, Religious, and Political except where they create a public nuisance." When explaining why we can't touch these 3, we want to emphasize the town strives to protect 1st Amendment rights.

We can limit fundraising, nonprofit, and commercial signs.

TC departed with the Committee's thanks.

The group continued by discussing temporary movable freestanding (sandwich board) signs. The group agreed to make a recommendation to the selectmen that they update their internal operating policy to allow sandwich board signs a predetermined/set number of times/year – w/o a permit. The group discussed possible days be Pole capping, Bedford Day, Mothers Day, Shop-local-Sat, or Tax free day. The police are opposed to multiple sandwich boards because they impair safe exit from Mudge Way and are often placed on sidewalk. The group agreed that the sandwich boards should be on private property and not be permitted to be a nuisance. The Selectmen should authorize police to move sandwich boards that are a safety hazard or nuisance. Unanimously, the group voted to ask the Selectmen to consider the above recommendation to permit the limited trial of sandwich board signs. Karen will work with the Chamber of Commerce to determine how many and which dates over the course of the year are most beneficial for businesses and will communicate this information to the Selectmen.

The group agreed to strike the words “supported by legs” on page 15, #7.

The group discussed “no permit required for construction signs” in the residential district. Agreed prohibiting signs for regular, periodic, reoccurring maintenance – but true construction projects could have an advertisement sign.

Table 40.1 needs to be synchronized with the updates discussed at this meeting.

The group reviewed the Nov 15, 2012 minutes. Siegenthaler moved to approve minutes. Zazula 2nd. Minutes were approved unanimously.

Next Meeting – Dec 13 – public meeting asking for feedback – it is likely that at the end of the meeting, the committee will take votes on the updates to the SB. The next meetings will be devoted to preparations for Town Meeting in Mar 2013. Prior to Mar 2013 TM, the Selectmen must hold a public hearing on the proposed amendments to the SB. We may want to piecemeal the changes, then move SB to the ZB in Fall 2013 – as a completed and updated bylaw. The timing to move it to ZB and make all the changes by Mar 2013 TM is too tight. Prior to Fall 2013 TM, we will need to hold public hearings at Selectmen and Planning for move to ZB.

10:01: Siegenthaler made motion to adjourn, Kenney 2nd, unanimous.

Respectfully submitted by Mustapich